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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/844,740

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Yoshiharu Kobayashi

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7590

03/29/2004

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EXAMINER

JEAN PIERRE, PEGUY

ART UNIT

PAPER NUMBER

2819

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,740

Applicant(s)

KOBAYASHI ET AL.

Examiner

Peguy JeanPierre

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/10/2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-36 is/are allowed.
- 6) ☒ Claim(s) 37-42 is/are rejected.
- 7) ☒ Claim(s) 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 37-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsui (USP 5,661,707).

Matsui discloses in Figure 4A a method of scrambling input data that comprises the steps of generating scramble data (20) having a value that is randomly determined (see col. 4, lines 7-62), generating a pseudo random number sequence in accordance with the value of the scramble data, and generating scrambled data by performing a logical operation (40) on the pseudo random number sequence and the input data (S3) (see col. 4, lines 2-6) to be recorded on a recording medium.

Allowable Subject Matter

3. Claims 1-36 are allowed.

4. Claim 43 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed on 1/10/2004 have been fully considered but they are not persuasive. Applicant argues that Matsui does not recite that "the initial value is

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randomly determined” The Examiner agrees. However, the Examiner also notes that the claims such as claim 37, does not recite that the initial value is randomly determined. Claim 37 recites “...scramble data having a value which is randomly determined”. Matsui discloses a scrambling signal (S20) that is generated from a sequence generator that receives an initial value from a memory. Therefore, the Examiner concludes that the scramble data of Matsui has a value that is randomly determined.

Applicant also remarks that initial value provided to the sequence generator is determined based on the sector address. However, the Examiner notes that the claims do not recite where the initial value comes from. The initial value must be chosen based on predetermined criterion such criterion is absent from the claim language, it cannot be a set of numbers arbitrarily chosen to be provided to the pseudo random number sequence. If that is the case, it must be clearly describe in the specification.

The limitation of “generating a scramble data having a value that is randomly determined” cannot clearly found in the specification. The specification describes in col. 27 lines 61-64 “ ... a generator (55) receives not only the initial bit pattern of a pseudo random number sequence as the scramble data form the initial value data generator (53) but also a sector address...” One cannot imply from that description that the scramble data has a value that is randomly determined. The burden is on the Applicant to point out where this particular limitation can be found in the description.

The Examiner also notes that Murakami (USP 5,930,251) recites the same limitation. Figure 14 (a) of Murakami (see office action 11/4/2002) describes an initial bit pattern (72a) is inputted into a pseudo random number generator sequence (73a) to provide


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scramble data (74a) to a logical circuit (75). Fig.17 of the application comprises an initial value data generator (82) is coupled to a pseudo random number generator (84) to generate scramble data to a logical circuit (83). Both circuits process the initial value data similarly, hence one can assume that their scramble data has a value that is randomly determined.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peguy JeanPierre whose telephone number is (571) 272-1803. The examiner fax phone number is (571) 273-1803.


Peguy JeanPierre
Primary Examiner